

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	No. 3:10-00065
)	JUDGE CAMPBELL
QUINCY MAURICE FUQUA)	
VICTOR L. OWENS)	

ORDER

Pending before the Court are Motions To Sever (Docket Nos. 204, 210) filed by each Defendant. The parties presented the Motions at the Pretrial Conference held on November 28, 2012. At the Conference, the Court ordered the Government to file a list of specific questions it intended to ask CW1 at the trial regarding statements made to him by Defendant Owens. The Government has now filed the list of proposed questions. (Docket No. 215).

Based on the Government's list of proposed questions, the Court concludes the Defendants should be severed for trial based on Bruton v. United States, 391 U.S. 123, 88 S.Ct. 1620, 20 L.Ed.2d 476 (1968). Given the nature of the proposed questions, the Bruton confrontation problem cannot be resolved through redaction of Defendant Owens' statements. Accordingly, the Motions To Sever (Docket Nos. 204, 210) are GRANTED.

Defendant Fuqua will be tried as scheduled on December 4, 2012, as agreed by the parties at the Pretrial Conference. The trial for Defendant Owens will be set by contemporaneous order.

It is so ORDERED.


TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE